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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/780,710

02/12/2001

Francis E. Szczublewski

DP-303901

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09/22/2004

DELPHI TECHNOLOGIES, INC.

M/C 480-410-202

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TROY, MI 48007

EXAMINER

NGUYEN, THUAN T

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 09/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,710

Applicant(s)

SZCZUBLEWSKI ET AL.

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 & 3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.*

2. Claims 1-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Loewenthal et al (EP 1037419A2/ or "Loe" for short).

Regarding claim 1, Loe discloses "a method for providing transitory audio information that is subject to interruption without appreciable loss of content, comprising the steps of: receiving transitory audio information from an audio source; audibly providing the transitory audio information until an interrupt signal is received; buffering the transitory audio information; audibly providing a message that is associated with the interrupt signal; and audibly providing the buffered transitory audio information upon conclusion of the message", i.e., while listening to a first audio program broadcasting by a broadcast radio source in a mobile telecommunication environment (Fig. 1. and col. 1/line 45 to col. 2/line 37), a user can receive in real-time an alert for traffic news as a message associated with an interrupt signal for the first audio program, and after the conclusion of the report or alert/interruption message, the user can resume to the first audio program without loss of content due to the use of a flash memory as a buffer for storing data files in separate lists with their identification codes using pointers for resuming at the interruption point for continuing to listen to the first audio program (col. 3/section 0014 to col. 4/section 0016; and col. 5/section 0022 to col. 7/section 0039).

As for claim 2, in view of claim 1, Loe shows "wherein the buffered transitory audio information is provided at a faster rate than new transitory audio information is being received",

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i.e., the stored audio information can be at any faster and compressed rates depending on the broadcaster's source (col. 6/section 0026 to col. 7/section 0027).

As for claim 3, in view of claim 1, Loe teaches "wherein the interrupt signal is initiated by the actuation of a repeat function and the message corresponds to a predetermined portion of the buffered transitory audio information", i.e., this interruption signal is constantly provided by the broadcaster and/or to the user's pre-programmed for alerts in real-time on selected topics and programs (col. 7/section 0032 to col. 8/section 0034).

As for claims 4 and 5, in view of claim 1, Loe discloses "wherein the message is a route instruction" and "wherein the message is a collision warning", i.e., alerts on road traffic are inherently understood to including route instruction and collision warning (col. 8/section 0033).

As for claim 6, in view of claim 1, Loe shows "wherein the buffered transitory audio information is stored in a compressed format" (col. 6/section 0026 for compressing formats of files from a variety of broadcasting networks).

As for claim 7, in view of claim 1, Loe shows "further including the step of: clearing the buffered transitory audio information when a different audio source is selected", i.e., if the user selects a next audio source or different audio source and remove the stored program from the list of the first program, other related information to that program also is removed (pages 9-10/sections 0041-0046).

As for claim 8, in view of claim 1, Loe discloses "wherein the transitory audio information is provided in the form of a radio broadcast" (Fig. 1, and col. 6/section 0026).

As for claim 9, in view of claim 1, Loe teaches "wherein the transitory audio information is buffered in response to the interrupt signal", i.e., the first audio program is stored in the flash memory or buffer memory as the interrupt signal occurs (col. 3/section 0014 to col. 4/section 0016; and col. 5/section 0022 to col. 7/section 0039).

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Regarding claims 10-18, these claims for "an automotive information system for providing transitory audio information that is subject to interruption without appreciable loss of content, comprising: a receiver for receiving transitory audio information from an audio source; a memory subsystem for storing data; an audio output device; a processor coupled to the receiver, the memory subsystem and the audio output device; and processor executable code stored within the memory subsystem for causing the processor to perform the steps of: providing the transitory audio information to the audio output device until an interrupt signal is received; buffering the transitory audio information within the memory subsystem; providing a message that is associated with the interrupt signal to the audio output device; and providing the buffered transitory audio information to the audio output device upon conclusion of the message" with same limitations are rejected for the reasons given in the scope of claims 1-9 as already disclosed above not limited to the cited sections but also to the entire reference.

Regarding claims 19-22, these claims for "an audio information system for providing transitory audio information that is subject to interruption without appreciable loss of content, comprising: a radio receiver for receiving transitory audio information in the form of a radio broadcast from a radio station; a memory subsystem for storing data; an audio output device; a processor coupled to the receiver, the memory subsystem and the audio output device; and processor executable code stored within the memory subsystem for causing the processor to perform the steps of: providing the transitory audio information to the audio output device until an interrupt signal is received; buffering the transitory audio information within the memory subsystem; providing a message that is associated with the interrupt signal to the audio output device; and providing the buffered transitory audio information to the audio output device upon conclusion of the message" with same limitations are rejected for the reasons given in the scope

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of claims 1-9 as already disclosed above not limited to the cited sections but also to the entire reference.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Abecassi (US Patent 6,192,340 B1), Geneker, III et al. (US Patent 5,917,430), and Briskman (US Patent 5,592,471) discloses systems related to alerts and interruption signal.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

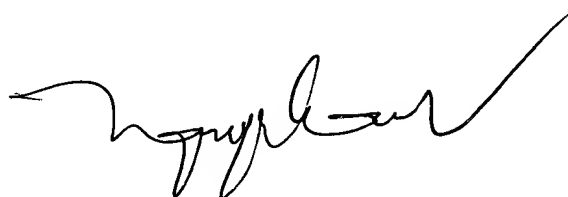
(703) 872-9306, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

A handwritten signature in black ink, appearing to read 'Tony T. Nguyen', with a long, sweeping horizontal stroke extending to the right.

TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen
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September 15, 2004